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REMARKS

Applicant thanks the Examiner for the interview courteously granted the undersigned on November 3, 2005. The three references that had been applied by the Examiner in the § 102 rejection were discussed in the context of claim 1. Although no agreement was reached, it was indicated that the Examiner might be receptive to amended claims wherein the container was more fully described as being of uniform circular cross section except for the recessed front surface or wall. Amendments to claims 1, 3, 8, 16 and 24 have now been made consistent with this discussion.

Claim 1 defines an invention that would not be anticipated by the disclosure of either WO 97/33519 (hereinafter WO '97) or U.S. Patent No. 5,916,815 to Lappe (hereinafter Lappe). As pointed out on page 9 of the last amendment, both WO '97 and Lappe disclose the use of a cup or container, the body of which is a right circular cylinder. Thus, it should be clear that neither of these discloses a container of uniform circular cross section except for a recessed flat front wall which has an interior receptacle that positions a cassette with its front surface located near said flat front wall.

Amended claim 1 is likewise not anticipated by U.S. Patent No. 6,342,183 to Lappe et al. (hereinafter Lappe et al.). Lappe et al. discloses a container of irregular cross section which does not support a cassette at all in its interior. Test strips are located in a compartment which is part of the top cap of the device, as pointed out on page 10 of the last amendment. Except for the incidental inclusion of a pair of opposed knurled surfaces that serve as fingergrrips, Lappe et al. really has no relevancy to the claimed invention.

Neither amended claim 1 nor amended claim 3 would be obvious in view of the disclosures of WO '97 or Lappe in view of Lappe et al. As pointed out on pages 12 and 15 of the last amendment, there is absolutely no motivation that would cause one to incorporate one-half of the pair of knurled fingergrip surfaces into the right circular cylindrical containers

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of either WO '97 or Lappe. Accordingly, there is no prima facie case of obviousness, and this hindsight combination simply cannot stand scrutiny.

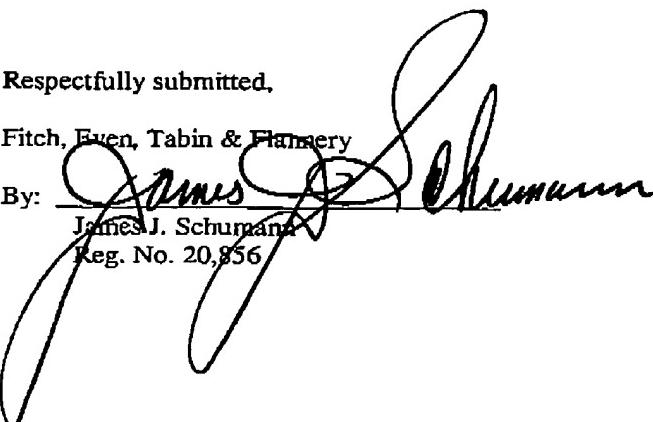
U.S. Patent No. 5,119,830 to Davis (hereinafter Davis) similarly shows a container of circular cross section throughout its height. Thus, it is no more pertinent than WO '97 or Lappe, so that the arguments set forth above with respect to these two references apply equally to Davis.

The language specified above, to which attention has been called in respect of independent claims 1 and 3, has been similarly added to independent claim 16 and to independent claim 24. Accordingly, it is submitted that, for the reasons set forth hereinbefore, these two independent claims should be likewise allowable.

In view of the foregoing amendments and remarks, reconsideration of the rejection of independent claims 1, 3, 16 and 24 and allowance of these claims, together with dependent claims 2, 4-8, 11-12, 17, 19-23, 25 and 26, is respectfully requested. It is believed that this amendment should place the application in condition for allowance, and issuance of a Notice of Allowance is courteously solicited. Should the Examiner be of the opinion that any deterrent to allowance remains, he is courteously invited to telephone the undersigned or, in the alternative, to indicate that the amendments to the claims will be entered for purposes of appeal.

Respectfully submitted,

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